IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1967 OF 2003
IN
SUIT NO.3764 OF 2002

Prakash L. Somanna ....Plaintiff
V/s.
Mukesh L. Somanna & Ors. ....Defendants

Mr.S.A. Dhamale for the Plaintiff.
Mr.R.A. Revankar for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 24TH NOVEMBER, 2005.

P.C. :

1. The Notice of Motion seeks an injunction restraining the Defendants from making any additions or alterations to a room admeasuring 16 ft. x 25 ft. on rear side which stands in the name of Defendant NO.5 and for an order directing the Defendants to pay the licence fees earned by them by giving the room on leave and licence basis.

2. Earlier Notice of Motion No.3254 of 2002 was taken out by the Plaintiff for the reliefs in respect of the property described in the same manner as is described in the present Notice of Motion. By an order dated 27th August, 2004, D.K.Deshmukh, J. held

that the same could not be granted as the premises have not been precisely described by the Plaintiff. It was further held that in absence of any clear description of the premises, it would not be proper for this Court to pass any order of injunction in that regard.

3. Even after the order was passed, the Plaintiff has not amended the plaint. The description remains the same. Thus in view of the order dated 27th August, 2004, the Plaintiff is not entitled for the reliefs in the Notice of Motion without first amending the plaint by describing the property in a proper manner.

4. The Notice of Motion is dismissed.